



2. This Court has diversity jurisdiction over the action pursuant to 28 U.S.C. § 1332(a)(1) and 28 U.S.C. § 1441 because, as explained herein, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and there is complete diversity of citizenship between the Plaintiffs and State Farm.

#### Amount in Controversy

3. A removing party must show within a reasonable probability that the amount in controversy has been satisfied. *Meadows v. Nationwide Mut. Ins. Co.*, No. 1:14-CV-04531-JMC, 2015 WL 3490062, at \*2 (D.S.C. June 3, 2015) (citing *Phillips v. Whirlpool Corp.*, 351 F. Supp. 2d 458, 462 (D.S.C. 2005)).

4. Plaintiffs allege over \$100,000.00 in “loss of business income and other extra expenses” in their Complaint, sufficiently over the requisite amount in controversy required for diversity jurisdiction. (Compl. ¶ 15.)

5. Additionally, Plaintiffs allege they are entitled to punitive damages. (Id. ¶ Prayer for Relief.) A plaintiff’s “claim for punitive damages alone makes it virtually impossible to say that the claim is for less than the jurisdictional amount.” *Woodward v. Newcourt Commercial Fin. Corp.*, 60 F. Supp. 2d 530, 532 (D.S.C. 1999). See S.C. Code Ann. § 15-32-530 (setting \$500,000.00 as the lowest potential cap on punitive damages).

#### Diversity of Citizenship

6. Upon information and belief, at the time of the commencement of this action Plaintiff George Dean was and still is a citizen of South Carolina and Plaintiff George’s Enterprises Inc. was and still is a domestic corporation formed under the laws of the State of South Carolina. (Compl. ¶ 1, 2.)

7. State Farm is a company organized and existing under the laws of the State of Illinois, with its principal place of business in Illinois and accordingly, is not a citizen of the State of South Carolina pursuant to 28 U.S.C. § 1332(c)(1).

#### **TIMELINESS OF REMOVAL**

8. State Farm, through the South Carolina Department of Insurance, was served with the Summons and Complaint on December 29, 2020.

9. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within thirty (30) days of the service of the Complaint on State Farm.

#### **NOTICE**

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Plaintiffs' counsel, and a copy is being filed with the Clerk of the Orangeburg County Court of Common Pleas for Case No. 2020-CP-38-01285.

#### **CONCLUSION**

WHEREFORE, pursuant to 28 U.S.C. §§1332, 1441, and 1446, this action should proceed in the United States District Court for the District of South Carolina, Orangeburg Division, as an action properly removed thereto.

*[signature page follows]*

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January 27, 2021